

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE PETITION OF INDIANA }
BELL TELEPHONE COMPANY, INCORPORATED, }
D/B/A AMERITECH INDIANA PURSUANT TO }
I.C. 8-1-2-61 FOR A THREE-PHASE PROCESS }
FOR COMMISSION REVIEW OF VARIOUS }
SUBMISSIONS OF AMERITECH INDIANA TO }
SHOW COMPLIANCE WITH SECTION 271(c) OF }
THE TELECOMMUNICATIONS ACT OF 1996 }**

CAUSE NO. 41657

**AMERITECH INDIANA'S PETITION TO MODIFY ORDER ADOPTING
PERFORMANCE ASSURANCE AND REMEDY PLAN BY STAYING ITS
EFFECTIVE DATE PENDING RULING ON PETITION FOR RECONSIDERATION**

Pursuant to IND. CODE § 8-1-2-72, Indiana Bell Telephone Company, Incorporated ("Ameritech Indiana") petitions the Indiana Utility Regulatory Commission ("IURC" or "Commission") to modify its October 16, 2002 Order on Performance Assurance Plan entered in this cause ("Order"), which adopted an SBC Ameritech Indiana Performance Assurance and Remedy Plan ("IURC Remedy Plan"), by staying the effective date of the Order pending the Commission's ruling on Ameritech Indiana's Petition for Reconsideration of the Order being filed contemporaneously herewith ("Petition for Reconsideration").

The grounds for this Petition to Modify are (1) as shown in the Petition for Reconsideration, the Order exceeded the Commission's statutory authority under Indiana law, and also conflicts with and is therefore preempted by the Federal Telecommunications Act of 1996; (2) as shown in the Affidavit of James D. Ehr also being filed contemporaneously herewith, the IURC Remedy Plan that the Order directs Ameritech Indiana to implement imposes substantial implementation, compliance and other costs on Ameritech Indiana, totaling in the

millions of dollars – all of which costs will have been improperly and unnecessarily imposed if the Order's entry was legal error for the reasons shown in the Petition for Reconsideration; and (3) the Commission should therefore modify the Order (which was made immediately effective as of its approval on October 16, 2002) by staying that effective date pending the Commission's consideration of and ruling on the Petition for Reconsideration.

Ameritech Indiana therefore respectfully requests that the Commission modify the Order by staying its effective date pending the Commission's ruling on the Petition for Reconsideration.

Respectfully submitted,



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Counsel for Indiana Bell Telephone
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CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2002 I caused a true and correct copy of the foregoing Petition to Modify to be served to Ameritech271@urc.state.in.us.

A handwritten signature in black ink, appearing to read "Peter J. Rusthoven", written over a horizontal line.

Peter J. Rusthoven [# 6247-98]